

times extended many miles, including several places as members of the port; designating one as a port of entry, and another as a port of delivery. And this is the case in England as well as in this country. (e)

The public ports are considered as the great gates of the republic, through which all its foreign intercourse by sea is conducted; and, consequently, they can only be established; and must, in some respects, be regulated by that department of the government to which has been delegated the care of its foreign concerns. In England the power to establish ports is one of the prerogatives of the king; (f) and by the charter of Maryland a similar prerogative was given to the Lord Proprietary, which he always claimed accordingly. (g) But, as all the regulations necessary for the government of ports could not be established by the exercise of such a prerogative alone, several attempts were made by the General Assembly of the province, as well when the government was in the hands of the Lord Proprietary, as when it was held by the English monarch, to establish and regulate ports; almost all of which failed; because, as it would seem, of the nature of the country, and the peculiar manner in which its trade was then carried on. All the then settlements were within very short distances of one or other of the navigable branches of the Chesapeake; and and as tobacco was the chief, or almost only commodity of exportation, which instead of being gathered, as at present, in great masses, at the principal ports, was, after being packed in hogsheads, rolled to the nearest point of a navigable river, to a *landing*, or to a *rolling house*, along rolling roads, as they were then called, which were opened and established for the purpose, and so shipped from such places. (h)

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(e) Harg. Law Tracts, 46; The Mayor of Hull v. Horner, Cowp. 107; The Dock Company v. Browne, 22 Com. Law Rep. 23; 1706, ch. 14; 1707, ch. 16, s. 6 and 10; 1784, ch. 79, s. 32; Acts Cong. 31 July, 1789, ch. 5; 2 March, 1799, ch. 128.—(f) Hale *de jure Maris* and *de Portibus*, 36, 51, 54, 60, 73; 1 Blac. Com. 263; Ball v. Herbert, 3 T. R. 261; Blundell v. Catterall, 7 Com. Law Rep. 91.—(g) Chart. Maryl. s. 10; 2 Boz. His. Maryl. 574, 623, 633, 644.—(h) 1683, ch. 5; 1696, ch. 24, s. 8; 1706, ch. 14; 1707, ch. 16; 1745, ch. 14; Chal. Pol. An. 367, 380. From these circumstances, both in Maryland and Virginia, the public warehouses for the inspection of tobacco were, before the revolution, often called *Rolling Houses*.—(1763, ch. 18, s. 36 and 37; 3 *Virg. Stat.* 394; 4 *Virg. Stat.* 32.) And even to this day, in Virginia, hogsheads of tobacco are rolled from considerable distances in the interior to the warehouses in Petersburg and Manchester. It is said, that in England, originally Custom Houses were instituted as places for the inspection and safe keeping of merchandise, or as Custody Houses; (*Gilbert Court of Exchequer*, 214;) like those Rolling Houses of our country.